

ADAM WANG (STATE BAR NUMBER 201233)  
DAL BON & WANG  
12 South First Street, Suite 613  
SAN JOSE, CA 95113  
Tel: (408) 421-3403  
Fax: (408) 351-0261

Attorney for Plaintiff  
Yun-Gui Cai

UNITED STATES DISTRICT COURT  
FOR NORTHERN DISTRICT OF CALIFORNIA

YUN-GUI CAI,

Plaintiff,

vs.

FISHI CAFÉ INC., ET AL

Defendants

Case No.: C05-03175 EDL

EX PARTE APPLICATION TO CONTINUE  
INITIAL CASE MANAGEMENT  
CONFERENCE & [~~PROPOSED~~] ORDER  
AS MODIFIED

Plaintiff Yun-Gui Cai, through his counsel, hereby moves this Court ex parte to continue the Initial Case Management Conference as follows:

1. Plaintiff filed the Complaint on August 4, 2005.
2. On November 8, 2005, defendants were served with the Summons and Complaint.
3. Defendants have not filed any responsive pleading or any motion in response to the Complaint.
4. On or about January 26, 2006, plaintiff's counsel and defendants' counsel Mr. Michael Gong entered into a stipulation to continue the Initial Case Management Conference then schedule on January 31, 2006, to allow Mr. Gong to file a Motion to Withdraw as Attorney of Record, because, Mr. Gong reported in the stipulation that, defendants have instructed Mr. Gong no to take any further actions in this case.

1           5.       On March 2, 2006, Mr. Gong filed a substitution whereby the individual  
2 defendant Ying Tsai Lin substituted in as pro per litigant, and Mr. Gong was relieved as attorney  
3 of record for Mr. Lin. This Court approved this substitution in its order dated March 6, 2006.  
4 No substitution has been filed with respect to corporate defendant Fishi Café Inc.

5           6.       Based on subsequent communications with Mr. Gong, it is clear that defendants  
6 have no intention to answer to the Summons and Complaint. It was also revealed that Defendant  
7 Fishi Café Inc. would be “wound up.” According to information obtained by Plaintiff, an entity  
8 called AA Café is currently operating on the premises of Fishi Café Inc., conducting the same  
9 business as Fishi Café Inc. A search of the California Secretary of State’s website revealed that  
10 AA Café was incorporated on January 12, 2006.

11           7.       In the Complaint, in addition to Fishi Café Inc., and Ying Tasi Lin, plaintiff also  
12 sued doe defendants who are the real owners in interest of the corporate defendant Fishi Café Inc.  
13 According to the information, the real owner of the business is very wealthy business person.  
14 The predecessor of the Fishi Café Inc. was sued previously before the California Labor  
15 Commissioner, and since then, Fishi Café Inc. was incorporated, and real owner of the business  
16 had since removed her name from corporate documents and instead used the names of her  
17 relatives who have less assets. According to information and belief, Ying Tsai Lin is the father  
18 of the real owner of the business.

19           8.       Unfortunately, plaintiff is not aware of the official name and official identity of  
20 the real owner of the business.

21           9.       In light of the apparent efforts of avoiding liabilities by hiding assets and  
22 concealing the identity of the real owner of business, plaintiff has been trying to locate the  
23 identity of the real owner of the business, and will amend the Complaint by adding all defendants  
24 who are liable.  
25

10. Meanwhile, plaintiff requests that the Initial Case Management Conference currently schedule on April 4, 2006 be continued for 3 months until July 10, 2006 to allow sufficient investigation by plaintiff.

I, the undersigned, hereby do declare under the penalty of perjury under the laws of the United State that the foregoing is true and accurate.

Dated: March 31, 2006 By: /s/ Adam Wang

Respectfully submitted:

Dated: January 26, 2005

By: /s/ ADAM WANG  
Adam Wang  
Attorney for Plaintiff  
Yun-Gui Cai

[PROPOSED] ORDER

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the Initial Case Management Conference currently scheduled on ~~March 31~~ April 4, 2006 be continued to ~~July 10~~ July 18, 2006.

IT IS SO ORDERED.

Dated: March 31, 2006

